



UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
FISH AND WILDLIFE ENHANCEMENT

Colorado State Office
730 Simms Street, Suite 290
Golden, CO 80401

IN REPLY REFER TO:

FWE/CO
MAIL STOP 65412

January 6, 1992

David P. Simonson
Assistant Manager
for Environmental Management
U.S. Department of Energy
Rocky Flats Office
P.O. Box 928
Golden, CO 80402-0928

Dear Mr. Simonson:

The U.S. Fish and Wildlife Service reviewed the document entitled, "Endangered Species Act Compliance, 881-Hillside French Drain (881-HFD) Project, Final Biological Survey Report," November 1991.

The Service recognizes that our involvement with the U.S. Department of Energy-Rocky Flats Office (Energy) related to Operable Unit #1 (OU1) is not as synchronized as is our usual participation. Normally, the Service becomes involved with a project of this type earlier within the project scoping and planning process. Our State Office staff recently has been afforded additional personnel resources which are now available to better represent Service trust issues and issues related to natural resource damage assessment.

In commenting on the referenced document, we wish to summarize briefly, from our perspective, the chronology of Service involvement with Energy and OU1 activities at Rocky Flats preceding this submittal.

- On or about May 21, 1991, Andrew Archuleta of our State Office staff participated in a general orientation tour of Plant facilities.
- In June 1991, the document entitled "Phase III RFI/RI Environmental Evaluation Work Plan, Rocky Flats Plant, 881 Hillside, Operable Unit No. 1" was released as a final version. It appears the need to address issues related to compliance with the Endangered Species Act and Service involvement/participation in these issues as a formal part of the Superfund process was not fully recognized at the time of this report.

ADMIN RECORD

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- On September 17, 1991, at the request of Energy, an informal meeting was held at the Colorado State Office among Energy, EG&G and Service staff. The purpose of the meeting was to informally advise Energy and EG&G staff of the type of information the Service commonly deemed appropriate for inclusion in written submittals to the Service relating to Endangered Species Act, Fish and Wildlife Coordination Act, Migratory Bird Treaty Act, and Bald Eagle Protection Act compliance. A general discussion was conducted concerning the importance of ecological data collection consistent with determining potential adverse impacts to Service trust resources. EG&G Environmental Division staff were to use this information to update and revise their workplan for collecting data to submit environmental compliance documents. Service staff agreed to participate in a subsequent site visit as a follow-up on this meeting and to familiarize new Service staff with the buffer zone and pending Superfund activities.
- On September 26, 1991, Andrew Archuleta and John Wegrzyn of our State Office staff participated in a general tour of the buffer-zone area with representatives from Energy and EG&G. Our biologists further clarified comments from our September 17 meeting specifically relating them to environmental work in progress for OUI concerning the French Drain and South Interceptor Ditch projects. EG&G staff were to incorporate Service suggestions into ongoing field work for reports/document submittals related to these two projects to Energy and ultimately to the Service.
- On October 10, 1991, at the request of Energy, a meeting was held at the Service's Region 6 Offices to primarily discuss 881-Hillside site hydrological issues potentially affecting the South Platte River Basin.
- On October 17, 1991, Andrew Archuleta and Mark Butler visited the buffer zone at the plant to orient Mr. Butler to hydrological issues associated with Platte River Basin threatened and endangered species.
- Service staff had been awaiting a submittal by Energy of documents related to Endangered Species Act compliance when John Wegrzyn of our State Office staff again visited the buffer zone on November 26 with the USEPA designated Regional Project Manager (RPM) for OUI. John observed that earthmoving activity was already underway in the 881 Hillside area and was informed that the French Drain Project construction activity had been implemented prior to the Service receiving the submittal promised by Energy related to compliance with environmental statutes for which the Service has authorities.

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The Service finds itself in the position of advising Energy on project activities and commenting on documentation related to endangered species which normally would have been completed and submitted to us prior to Energy undertaking project construction activity for OUI. The Service recognizes the complexity of interim actions within OUI and public concern for protecting human health. It is our intention to assist Energy in more appropriately synchronizing ecological and environmental resource concerns, including compliance with environmental statutes related to Service trust resources, with those for human health. Our goal is to remain involved with the Superfund process for the Rocky Flats site and to participate in that process for each Operable Unit at the site in such a manner that our responsibilities to the Act are fulfilled and our authorities under the Act are properly discharged. To do so requires that Energy involve the Service earlier in scoping and planning processes for future projects so that compliance with the Act is properly achieved and remediation and cleanup activities are conducted in the spirit of the Act .

The Service finds the subject document to basically be consistent with the requirements of Section 7 of the Endangered Species Act (16 U.S.C. 1531 et. seq.) (Act) for those species currently listed under the auspices of the Act. The Service generally concurs with the determinations made by Energy in Section 6.0 of the subject document.

Based on the data reported, we offer the following general comments and recommendations:

1. While descriptions of transect locations for sampling seemed logical, we request graphic portrayals of transect data and maps delineating transect extent and locations be included with the document for the various activities undertaken in attempts to locate and survey Species of Concern (SOC).
2. It is unclear how Energy plans to incorporate or take into account the results of the data collections and subsequent determinations made from those results in ongoing and future project activity. Will the results, determinations, and conclusions made in this document be reflected in amendments to environmental evaluation(s) and work plan(s) for OUI? How will these results and determinations translate into modified on-the-ground construction activities for maintaining and preserving the environmental integrity of previously existing wetland, riparian and upland habitats, and their important ecological transition zones contained within the 881 Hillside.

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3. The proposed listing package for Spiranthes diluvialis, a plant listed by Energy as an SOC for the Rocky Flats site, is proceeding through the endangered species listing process. This plant will probably be listed as "threatened" under the Endangered Species Act in the near future. We wish to refer Energy to 50 CFR 402.10 for further information on species proposed for listing under the Act. If and when a species becomes listed under the Act, Federal agencies are required to enter/re-enter conferencing and consultations with the Service on that species where it may become affected by proposed or ongoing projects.
4. The biologist in charge of the listing package for Spiranthes has informed our office that surveys for this species at and in the vicinity of the Rocky Flats site should only be undertaken during the month of August. This is because the life history of the plant indicates that the geographical area comprising the Rocky Flats site is near the fringe of the biological range the plant is expected to occupy. There is increased probability that surveys conducted at Rocky Flats for Spiranthes at times of the year other than August will fail to detect the plant. We therefore recommend Energy conduct presence/absence and abundance sampling surveys for Spiranthes diluvialis only during the month of August.
5. The biology and life history of the Preble's meadow jumping mouse (Zapus hudsonius preblei) indicate that surveys for presence and abundance also should be conducted at Rocky Flats during a limited seasonal timeframe. Dr. James Fitzgerald, University of Northern Colorado, Greeley, Colorado, informs us that the most appropriate time for Zapus sampling surveys at the Rocky Flats site and in the vicinity of Rocky Flats is between late April and mid-September. Dr. Fitzgerald suggests that surveys for Zapus specimens use new Museum Specials as a means of collection instead of live-traps. He further recommends you contact Dr. Dave Armstrong of the University of Colorado or the Denver Museum of Natural History for comparison study specimens. Dr. Fitzgerald indicated to us that Zapus specimens collected in the vicinity of Rocky Flats are more likely to be the Preble's Jumping Mouse rather than the Western Jumping Mouse. We suggest you contact Dr. Fitzgerald and the other sources mentioned above for further specific information concerning this species.

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Our specific comments to the subject document are attached.

Please contact John Wegrzyn or Andrew Archuleta at (303) 231-5280 if you or your staff have questions or require further information. Thank you.

Sincerely,


LeRoy W. Carlson
Colorado State Supervisor

JGW:LRD

cc: Chief Environmental Officer
USDI-Region 6
Environmental Contaminants
Coordinator, FWS/FWE-Region 6
FWS/FWE, Salt Lake City, UT
USEPA Region VIII
(Attn: Gene Reetz)
USEPA Region VIII
(Attn: Martin Hestmark)
CDOW-Central Region
(Attn: David Weber)

FWE/CO: Contam/Superfund/DOE-RFP/OU1-881FD
RF-881FD.WPF

U.S. FISH AND WILDLIFE SERVICE
COLORADO STATE OFFICE, GOLDEN CO

Specific Comments to Document Entitled, "Endangered Species Act, Compliance,
881-Hillside French Drain (881-HFD) Project, Final Biological Survey Report,"
Department of Energy, Rocky Flats Office, Golden, Colorado, November 1991

January 1992

- Section 2.0-2.1, DESCRIPTION/Project Description page 1: Dates of construction and proposed construction activity should be included. Also, an assessment of potential adverse impacts for the listed Species of Concern (SOC) relative to seasonal biology and life history should be made and included in the document.
- Section 3.2, On-Site Inspection, pages 2-3: Graphic portrayals of the transect data and maps indicating the exact location of completed transects for survey purposes should be included.
- Section 5.2, Indirect Impacts, pages 6-7: The last paragraph states in part that, "it has been suggested that installation of the French Drain could restrict or eliminate recharge of a significant portion of the creek drainage from the 881 Hillside, including that portion of the creek which may harbor a Zapus population. . . it is anticipated that its construction will decrease the flow of water through these [alluvial] materials downslope of the Drain. However, following treatment, water extracted from the French Drain will be discharged into the western end of the South Interceptor Ditch, just upslope of Woman Creek. . . it is anticipated that water entering the Ditch will reach the creek and essentially make-up any recharge flows originally diverted by the French Drain."

Since Spiranthes, a species proposed for listing under the Endangered Species Act (Act), and the Zapus in question are both listed as SOC species and the ongoing and proposed construction activity may interfere with habitat historically available to both species on the 881-Hillside (Hillside) in the vicinity of the construction, the Service recommends that all available historical hydrological data for surface and subsurface flows within and adjacent to the 881-Hillside project area and for Woman Creek (Creek) be compiled and correlated and historical hydrological relationships between the Hillside and the Creek be assessed. A plan to monitor current and future surface and subsurface flows contributing or constituting hydrological relationships between the Hillside and the Creek should be immediately designed and implemented. We further recommend that a strategy to monitor, document, assess, and respond to potential adverse impacts for all SOC as a result of 881-Hillside construction activities be immediately undertaken.

- Section 6.0, DETERMINATION, page 8:

The Service concurs with Energy that the general and focused surveys, conducted to date, appear to have found no evidence of threatened and endangered species currently listed in the Act on or in proximity to the 881-Hillside French Drain project site.

The Service concurs with the determination by Energy that, based on the data currently available, excavation of the 881-Hillside French Drain could have adverse direct, indirect, or cumulative impacts on SOC in or near the project area. As stated above, we recommend that Energy immediately design and implement a strategy to monitor, document, assess, and respond to potential adverse effects to SOC resulting from project activities within and adjacent to the 881-Hillside site.

Based on the data currently available, the Service concurs with Energy that construction of the 881-Hillside French Drain will cause no net depletion to the Platte River basin. However, also based on the currently available data, we believe it to be premature at this time for Energy to conclude that no impacts to the hydrologic regime in Woman Creek will result from this project. We recommend and encourage Energy to develop a strategy to monitor, document, assess and respond to potential adverse effects to SOC, Woman Creek, and the biological communities the creek supports.

The Service concurs with the assessment by Energy, based on the data currently available, that any activity involving impacts to the small wetland habitat are subject to the requirements of 10 CFR 1022. We further encourage Energy to immediately develop and implement a strategy to monitor, document, assess, and respond to potential adverse effects to SOC and the biological communities supported by this wetland area and that this strategy be incorporated into a proposal to comply with the provisions of 10 CFR 1022.